

CM/ECF Organizing Committee

Minutes of October 10, 2001 Meeting.

Attended By: Tony Anastas, Neil Aresty, Stuart Barer, Judge Cynthia Cohen, Helen Costello, Judge Nancy Gertner, Richard Heidlage, Judge Rudolph Kass, James Lynch, Jonathan Margolis, Jeffrey Morgan, Len Rideout, Kathleen Roberts, Judge Patti Saris, Wendell Skidgel, Judge H.J. Smith, Judge Douglas Woodlock, Judge William Young, Joseph Baldiga, Steven Weiss, Bruce Smith and David Lucal.

1. Judge Gertner provided minutes of the July 26 meeting for review and discussion.
2. Report on Status of CM/ECF in the U.S. District Court was provided by Tony Anastas, Clerk. The decision package concerning the implementation of CM/ECF was recently received from the AO. It was provided to committee members by e-mail. The survey will be discussed by the district judges at their meeting in November. This document will be reviewed and responses to the survey will be provided to the AO by the due date on November 15, 2001. Implementation of CM/ECF in the district court is not expected before the fall of 2003.
3. Report on Status of CM/ECF in the U.S. Bankruptcy Court by James Lynch, Clerk. The Bankruptcy Court was originally scheduled for implementation of CM/ECF in the 3rd quarter of FY 2002 (April - June). However, implementation is now expected by the end of 2002 or early 2003.

He anticipates changes in the paper flow as a result of the implementation of CM/ECF and that there will be a tremendous amount of systems work to be done before going live. There was also a discussion about whether or not the Bankruptcy Court will implement the full CM/ECF program right away.

4. Other Reports

- State Courts - Judge Smith reported that the states courts are still several years behind the federal courts. David Lucal, Director of IT at the Mass. Appeals Courts added that they hope to be able to find out more about e-filing systems, costs and what's available through this committee.

A discussion followed regarding the use of web protocol to access the system and the desire to make the state system compatible with the federal court e-filing system to make it easier on attorneys and other users of both the federal and state courts. According to Stu Barer, the federal court CM/ECF program is a combination of systems from outside sources which have been customized for use in the federal courts. This is a package that has been developed nationally, so the work of this committee should be focused on implementation of the program and

not development. Stu will check with the AO to find out if this software can be shared with the state courts or made available for purchase by the state courts.

- Judicial Conference - Judge Gertner reported on recent directives from the Judicial Conference concerning public access to electronic forms of court documents. Documents in civil cases should be made available electronically, to the same extent they are available at the courthouse, with the exception of Social Security cases. These cases should be excluded from electronic access and certain personal identifiers should be modified or partially redacted by the litigants, such as Social Security numbers, dates of birth, financial account numbers and names of minor children.

According to the Judicial Conference policies, public remote electronic access to documents in criminal cases should not be made available at this time but will be re-examined in the future.

5. Committees - Judge Gertner began the discussion of the types of subcommittees that would be needed to help implement CM/ECF in the District of Massachusetts. It was decided that, at this stage of the project we would establish three subcommittees as follows:

- Rules subcommittee which will help to review the current and proposed Federal Rules to determine the need for revisions to our local rules for the implementation of CM/ECF.
- Outreach subcommittee would evaluate ways to inform the bar/public about what's ahead regarding the CM/ECF program in the federal court. Suggestions were made for presentations at various bar association meetings, including the Boston Bar, Mass. Bar and Federal Bar Associations. In the future this subcommittee will also work on the training programs for attorneys, paralegals, law firm staff, court staff, etc.
- Privacy subcommittee would look into the privacy issues that are raised as a result of the availability of court records electronically. It is important to have the state courts involved in the discussions concerning privacy issues since they may not be entirely the same as in the federal courts.

Committee members were asked to volunteer for one of the subcommittees with Chairpersons designated as follows:

Rules subcommittee - Judge Woodlock;
Outreach/Training subcommittee - Judge Saris
Privacy subcommittee - Judge Gertner

6. New Business - It was proposed that we would invite representatives from one of the courts already using the CM/ECF system to the next meeting of the full committee in January. We should also look to these other courts for material and resources. Tony Anastas will make arrangements with the Clerk for one of the districts who have already implemented CM/ECF to attend the next meeting.
As part of our efforts at outreach, a suggestion was made to establish a web site for CM/ECF in the District of Massachusetts. People could go to this site to find out information such as: where we are with electronic filing, the time line for implementation, the names of the committee members, meeting schedules, etc. We will look into this further in the future.
7. Next meeting date is set for Wednesday, January 30, 2002, at 2:30 p.m.